# UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|
| CHANKONG, DOHM |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _03 December 2008_.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-27_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.      This action is in response to Applicant's amendment filed on 12/3/2008. Claims 1-3, 10-

12, and 19-21 are amended. Claims 1-27 are presented for further examination.

2.      This action is a final rejection.

### *Response to Arguments*

3.      Applicant's arguments with respect to claims 1-27 have been considered but are moot in

view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.      Claims 1-5, 7, 9, 10-14, 16, 18-20, 22, 23, 25, and 27 are rejected under 35 U.S.C.

§103(a) as being unpatentable over Patel et al, U.S. Patent No. 6.865.185 ["Patel"], in view of

Ayyagari et al, U.S. Patent Publication No. 2001|0024434 ["Ayyagari"].

5.      All citations are to Patel unless otherwise noted.

6.      As to claim 1, Patel as modified by Ayyagari discloses a computer-implemented method

for providing differentiated quality of service in an application server, comprising:

a server system receiving a request [Figure 1 | column 12 «lines 6-10»], wherein said

request includes information indicating at least one of a current user role or a time constraint

[*Ayyagari*, 0006: execution of a desired task in a specified time period | 0048: request includes

specified QoS that indicates time constraint]; and

in response to receiving the request:

accessing pre-determined policy data [column 3 «line 62» to column 4 «line 2» |

column 7 «lines 20-26» : inserting labels that indicate FEC where the FEC identifies

QoS/policy parameters | column 13 «lines 46-61» : policy base maintaining QoS policies

subscribed to by the end user];

establishing a quality of service context based on said information included in

said request and said policy data [column 7 «lines 60-65» | column 12 «lines 6-11» :

inserting labels that identify QoS into the packet based on the user identifier]; and

propagating said quality of service context with said request in the server system,

wherein said propagating comprises sending data indicating the quality of service context

with the request [column 3 «line 62» to column 4 «line 2»].

As noted above, Patel does not disclose receiving a request that includes information

indicating at least one of a current user role or a time constraint. However, including such

information in user requests within a QoS system was well known in the art at the time of

Applicant's invention as evidenced by Ayyagari. Like Patel, Ayyagari is directed to a providing

certain QOS levels over an end-to-end connection. Further like Patel, Ayyagari discloses

utilizing queues to collect packets with similar priority levels to ensure that QoS assurances are

met [*Patel*, abstract & *Ayyagari*, 0031].  However, Ayyagari further discloses including within a

service request information indicating a time constraint.  It would have been obvious to one of

ordinary skill in the art to have modified Patel's service requests to include information

indicating time constraints as taught by Ayyagari.  Such a modification is an example of using a

known technique (including time constraints in service requests) to improve similar systems

(both Patel and Ayyagari are directed to QoS systems) in the same way (Ayyagari discloses that

time constraints are well known in the art as being part of QoS principles, 0006).  *See MPEP*

*§2143*.

7.      As to claim 2, Patel as modified by Ayyagari discloses said information further indicates

a user identity [Figure 1 | column 12 «lines 6-10» : each packet containing a flow identifier that

indicates a user identity]

8.      As to claim 3, Patel as modified by Ayyagari discloses said quality of service context

includes information indicating a service class [column 8 «lines 26-28»] and a deadline

[*Ayyagari*, 0006: execution of a desired task in a specified time period | 0048: time constraint]

9.      As to claim 4, Patel discloses said establishing a quality of service context is completed at

an ingress point [column 6 «lines 39-42»].

10.     As to claim 5, Patel discloses said ingress point is at least one of a web server or a

protocol manager service within said server system [column 6 «lines 42-44»].


11.     As to claim 7, Patel discloses propagating includes inserting said quality of service

context adjacent to at least one of a security and transaction context [Figure 3 «item 60» :

inserting the labels in the header of the packet adjacent to transaction contexts].


12.     As to claim 9, Patel discloses a request manager service dispatching said request

including said quality of service context to a software component in a plurality of software

components based on said quality of service context [Figure 3 «items 32, 36» : the flow manager

dispatching packets to various virtual groups based on the QoS context].


13.     As to claims 10-14, 16, and 18, they are merely directed to a computer-readable storage

medium directed to performing the steps of the method of claims 1-5, 7, and 9, respectively.

Therefore claims 10-14, 16, and 18 are rejected for at least the same reasons set forth for claims

1-5, 7, and 9.


14.     As to claims 11 and 20, they are merely directed to a system that performs the steps of

the method of claim 2. Therefore claims 11 and 20 are rejected for at least the same reasons set

forth for claim 2.

15.     As to claims 19-23, 25, and 27, they are merely directed to a system that performs the

steps of the method of claims 1-5, 7, and 9, respectively. Therefore claims 19-23, 25, and 27 are

rejected for at least the same reasons set forth for claims 1-5, 7, and 9.


16.     Claims 6, 15, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over

Patel and Ayyagari, in view of Zara et al, U.S. Patent No. 7.206.848 ["Zara"].


17.     As to claim 6, Patel as modified by Ayyagari does not expressly disclose propagating the

same quality of service context with a subsequent request. However, such a feature was well

known in the art at the time of Applicant's invention. For example, Zara discloses attaching the

same quality of service context ("tag") with a subsequent request related to the first request

[column 7 «lines 58-61»]. It would have been obvious to one of ordinary skill in the art to have

modified Patel to include Zara's teachings. One would have been motivated to include the same

tag in subsequent requests to insure that the requests involved in the same session or transaction

receive the QoS.


18.     As to claims 15 and 24, they are merely directed to a system that performs the steps of

the method of claim 6. Therefore claims 15 and 24 are rejected for at least the same reasons set

forth for claim 6.


19.     Claims 8, 17, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over

Patel and Ayyagari, in view of Vange, U.S. Patent Publication No. 20020059170.

20.     As to claim 8, while Patel discloses dispatching requests including a quality of service

context, Patel does not expressly disclose a load balancing service that dispatches the requests to

an application server. However, such a feature was well known in the art at the time of

Applicant's invention. For example, Vange discloses the claimed feature. Like Patel, Vange

discloses a system whereby a gateway provides clients access to the Internet [Patel, Figure 1 &

Vange, Figure 2]. Vange discloses a load balancing service that dispatches requests to an

application server in a plurality of application servers, based on said quality of service context

[0094 | Vange's claim 1 : where the gateway load balances by "selecting amongst servers of

redundant resources a particular server"]. It would have been obvious to one of ordinary skill in

the art to have modified Patel to include Vange's load balancing capability. One would have

been motivated to add such a feature into Patel to insure that loads are balanced equally between

the servers.


21.     As to claims 17 and 26, they are merely directed to a system that performs the steps of

the method of claim 8. Therefore claims 17 and 26 are rejected for at least the same reasons set

forth for claim 8.


### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-

3942.  The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571.272.3964.  The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm  Chankong/
Examiner, Art Unit 2452